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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Jonathan COATES *et al.* : Group Art Unit: 1614

Serial No.: 07/835,964 : Examiner: F. Krass

Filed: February 20, 1992 :

For: 1,3-OXATHIOLANE NUCLEOSIDE ANALOGUES

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LETTER RE TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

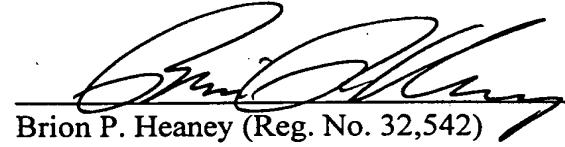
Sir:

Enclosed herewith is a terminal disclaimer signed on behalf of BioChem Pharma Inc., assignee of record with this application and its continuation application Serial No. 08/460,854. For the sake of clarity, applicants wish to make clear the following information.

By virtue of an unrecorded agreement, legal title of the instant application is in Tanaud International B.V., a wholly-owned subsidiary of BioChem Pharma Inc. Further, under this agreement, BioChem Pharma Inc. is given the right to hold the applications in its own name and is entitled to control all aspects of prosecution thereof, including, e.g., executing the accompanying Terminal Disclaimer.

If the Examiner or the Patent and Trademark Office desires any additional information regarding the mentioned agreement or facts, applicants will be happy to provide such information if requested.

Respectfully submitted,



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Filed: November 15, 1999

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147 Jonathan COATES *et al.* : Group Art Unit: 1614

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TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, authorized representative of BioChem Pharma Inc., assignee of record of the entire right, title and interest in and to the above-identified application by virtue of an assignment document recorded on November 5, 1992, (Reel 6300/Frame 0127-0134), and assignee of record of the entire right, title and interest in and to U.S. patent application Serial No. 08/460,854 by virtue of the assignment document recorded on November 5, 1992, (Reel 6300/Frame 0127-0134), and authorized by Tanaud Internaitonal B.V., legal title holder of said applications, hereby disclaims the terminal part of any patent granted on the instant application, Serial No. 07/835,964, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from U.S. patent application Serial No. 08/460,854, and, except as provided below, hereby agrees that any patent so granted on the instant application, Serial No. 07/835,964, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. patent application Serial No. 08/460,854, this agreement to run with any patent granted on the instant application, Serial No. 07/835,964, and to be binding upon the grantee, its successors or assigns.

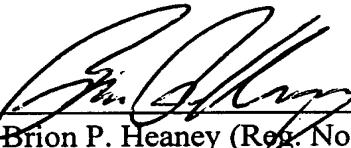
The undersigned does not disclaim any terminal part of any patent granted on the instant application, Serial No. 07/835,964, prior to the expiration date of the full statutory

term of any patent issuing from U.S. patent application Serial No. 08/460,854 in the event that the latter: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned expressly reserves and does not waive the right to extend the term of any patent issuing from U.S. patent application Serial No. 08/460,854 or any patent granted on the instant application, Serial No. 07/835,964, under any statute which permits such an extension of term.

The undersigned is empowered to sign this document on behalf of assignee and Tanaud International B.V.

BioChem Pharma Inc.

By: 

Brion P. Heaney (Reg. No. 32,542)
Attorney for Applicants

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